

# City of Santa Clara

Draft



## Meeting Minutes Council and Authorities Concurrent Meeting and Call of Notice of Special Meeting Santa Clara Stadium Authority

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10/13/2020

3:30 PM

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
  - o <https://santaclaraca.zoom.us/j/99706759306>

Meeting ID: 997-0675-9306 or

- o Phone: 1(669) 900-6833
- Via the City's eComment (now available during the meeting)
- Via email to [PublicComment@santaclaraca.gov](mailto:PublicComment@santaclaraca.gov)

As always, the public may view the meetings on [SantaClaraCA.gov](http://SantaClaraCA.gov), Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

For those individuals that do not have the above access, the City Cafeteria has been set up to accommodate up to 10 people at a time and public comment will be given from that location.

The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. The Mayor will be present for the meeting with Councilmembers and department heads participating remotely. A limited number of staff will also be present.

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Governing Board of the Stadium Authority to commence and convene on October 13, 2020, at 3:30 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

### 3:30 PM COUNCIL REGULAR/STADIUM AUTHORITY SPECIAL MEETING

## Call to Order in the Council Chambers

**Mayor/Chair Gillmor** called the meeting to order at 3:33 PM.

## Roll Call

**Present:** 6 - Vice Mayor/Vice Chair Karen Hardy, Council/Boardmember Teresa O'Neill, Council/Boardmember Debi Davis, Council/Boardmember Kathy Watanabe, Council/Boardmember Raj Chahal, and Mayor/Chair Lisa M. Gillmor

## Pledge of Allegiance and Statement of Values

**Mayor& Chair/Council/Board** recited the Pledge of Allegiance.

**Council/Boardmember Davis** recited the Statement of Values.

## CONTINUANCES/EXCEPTIONS/RECONSIDERATIONS

**2.Q**      [20-693](#)      Public Hearing: Consideration of a Proposed Resolution Amending the Rates for Attachments to City Owned Utility Poles by Third Party Communications Providers [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** Consider the proposed Resolution amending the rates for attachments to City owned utility poles by third party communications providers and set November 17, 2020 for the adoption of the Resolution.

**City Manager Santana** requested to continue this item to November 17, 2020 to allow staff to review email received from Comcast.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to continue this item to November 17, 2020.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

## SPECIAL ORDER OF BUSINESS

**1.A**      [20-894](#)      Recognition of Outgoing Commissioners on the Civil Service Commission, Parks & Recreation Commission, and Planning Commission

**Mayor Gillmor** on behalf of the **Council** recognized the following outgoing Commissioners for their years of service to the City and provided them with a plaque and certificate: **Mario Bouza**, Civil Service Commission, **Roseann LaCoursiere** and **Kevan Walke**, Parks and Recreation Commission and **Steve Kelly**, Planning Commission.

**1.B**      [20-913](#)      Proclaim October 2020 as Breast Cancer Awareness Month

**Mayor Gillmor** proclaimed October 2020 as Breast Cancer Awareness Month and presented the Proclamation to **Becki Adams** and **Stacey Souza** with the American Cancer Society.

**Public Speaker(s):** Stacey Souza  
Becki Adams

1.C [20-914](#)

Proclaim October 2020 as Domestic Violence Awareness Month

**Mayor Gillmor** proclaimed October 2020 as Domestic Violence Awareness month and presented the Proclamation to **Esther Peralez**, Next Door Solutions to Domestic Violence.

1.D [20-962](#)

Verbal Report from City Manager regarding COVID-19 Pandemic  
[Council Pillar: Enhance Community Engagement and Transparency]

**Mayor Gillmor** noted the next meeting (October 27, 2020) to recognize the Parade of Champions Organizers.

**City Manager Santana** provided an update on the following and gave a PowerPoint Presentation:

- US Department of Agriculture announced extending flexibility to allow free meals to all children through the school year;
- Cooling Center opened on October 1 & 2, 2020;
- Parks & Recreation Department started installing hand sanitizer stations in City Parks;
- The City has worked with Santa Clara Swim Club to open pools at Mary Gomez Park;

**Chief Emergency Services Officer Schoenthal** provided an update on the confirmed COVID-19 cases and noted that the County of Santa Clara has now reached the Orange Tier on the Blueprint for Safer Economy.

**Public Speaker(s):** Kirk Vartan

## **CONSENT CALENDAR**

**A motion was made by Council/Boardmember Davis, seconded by Council/Boardmember O'Neill, to approve the balance of the Consent Calendar (except items 2.E, 2.G, 2.L & 2.N).**

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

2.A [20-870](#)

Action on Council and Authorities Concurrent and Special Stadium Authority Meeting Minutes [Council Pillar: Enhance Community

Engagement and Transparency]

**Recommendation:** Approve the meeting minutes of:  
Special Stadium Authority Minutes of March 5, 2020  
Council and Authorities Concurrent Minutes of July 14, 2020  
Special City Council Minutes of August 17, 2020

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.B**      [20-19](#)      Board, Commissions and Committee Minutes [Enhance Community Engagement and Transparency]

**Recommendation:** Note and file the Minutes of:  
Planning Commission - April 22, 2020  
Audit Committee - March 4, 2020  
Senior Advisory Commission - February 24, 2020  
Historical and Landmarks Commission - September 3, 2020  
Cultural Commission - March 2, 2020

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.C**      [20-831](#)      Action on Bills and Claims Report (CC, SA, HA) for the period September 5th, 2020 - September 18th, 2020 [Council Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Approve the list of Bills and Claims for September 5, 2020 - September 18, 2020.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.D**      [20-681](#)      Action on Early Consideration of a General Plan Amendment from Low Intensity Office to High Intensity Office for the 10.14-acre site located at 2901 Tasman Drive and General Plan Text Amendment to add a policy to allow a Floor Area Ratio up to 2.5 for High Intensity Office sites within half a mile of a light rail station [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** City Council direct staff to continue processing the subject General Plan Amendment from Low Intensity Office to High Intensity Office for the 10.14-acre site located at 2901 Tasman Drive and General Plan Text Amendment to add a policy to allow a Floor Area Ratio up to 2.5 for High Intensity Office sites within half a mile of a light rail station.

**Public Speaker(s):** Susan Hinton (eComment)

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.F**      [20-737](#)      Action on a Resolution of the City Council of the City of Santa Clara Regarding Unclaimed Special Assessment District Funds and Related

Budget Amendment [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Adopt a resolution regarding unclaimed special assessment district funds as detailed in Exhibit A to the resolution and approve the transfer of these funds to the General Fund for unrestricted use; and
  2. Approve the FY 2020/21 budget amendments in the General Fund to recognize Other Revenue of \$149,696, to increase the Budget Stabilization Reserve by \$141,196, and to increase the Finance Department appropriation by \$8,500.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8890 regarding unclaimed special assessment district funds and related budget amendment.**

**2.H**      [20-762](#)

Action on an Agreement for Services with Aspen Environmental Group to Provide As-needed Electric Rate and Fee Analysis Consultant Services [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Authorize the City Manager to execute an Agreement for Services with Aspen Environmental Group for as-needed electric rate and fee analysis consultant services, for a term starting on or about November 1, 2020 and ending on or about October 31, 2025 for a total maximum amount not-to-exceed of \$450,000, subject to the annual appropriation of funds; and
  2. Authorize the City Manager to execute up to five one-year options to extend the term of the Agreement after the initial term, ending October 31, 2030, assuming all options are exercised, and subject to the annual appropriation of funds.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.I**      [20-832](#)

Action on Monthly Financial Status and Investment Reports for July 2020 and August 2020 and Approve the Related Budget Amendments [Council Pillar: Enhance Community Engagement and Transparency]

- Recommendation:**
- Note and file the Monthly Financial Status and Investment Reports for July 2020 and August 2020 as presented and Approve Related Budget Amendments.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to note and file the Monthly Financial Status and Investment Reports for July 2020 and August 2020 as presented and Approve Related Budget Amendments.**

**2.J**      [20-844](#)

Action on Amendment No. 1 to the Agreement with Mott MacDonald

Group, Inc. for Annual Sanitary Sewer Condition Assessment Repair Projects (Year 2021/2022 Projects) [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:** Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Mott MacDonald Group, Inc. for Annual Sanitary Sewer Condition Assessment Repair Projects.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.K**      [20-854](#)

Action on Master Agreements for Silicon Valley Power on System Capacity Expansion Planning including Delegation of Authority for Capital Project Implementation and General Engineering Support [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:**

1. Authorize the City Manager to execute the System Expansion Plan Agreement with Electrical Consultants, Inc. in an amount not to exceed \$850,000;
2. Delegate Authority to the City Manager to negotiate and execute Master Service Agreements with Advisian Worley Group, TRC Solutions, Inc., Leidos Engineering, LLC, Flynn Resource Consultants, Inc. and EN Engineering LLC for General Consulting Services in an amount not to exceed \$2,000,000 per agreement over the five year terms of the agreements, subject to the appropriations of funds;
3. Delegate Authority to the City Manager to negotiate and execute Master Service Agreements with 1898 & Co., TRC Solutions, Inc., Electrical Consultants, Inc., AECOM Technical Services, Inc., and Stantec Consulting Services Inc. for Plan Implementation Services in an amount not to exceed \$3,000,000 per agreement over the five-year terms of the agreements, subject to the appropriation of funds; and
4. Authorize the City Manager or their designee, to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor, approval by the City, and the appropriation of funds.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.M**      [20-920](#)

Accept the 2019 Assistance to Firefighters Grant in the amount of \$40,168 to provide the California State Fire Marshal Fire Control 4 Course to Department Personnel and Approve the Related Budget Amendment [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:**

1. Accept the 2019 Assistance to Firefighters Grant in the amount of \$40,168 for Conducting Fire Control 4 Training for Department Personnel; and
2. Approve the Related FY 2020/21 Budget Amendment in the Fire

Operating Grant Trust Fund to recognize the AFG grant revenue and establish the Assistance to Firefighters Grant FY 2019/20 in the amount \$40,168, and recognize a transfer from the General Fund and establish an Assistance to Firefighters Grant FY 2019/20 - City Match in the amount of \$4,017; in the General Fund, establish a transfer to the Fire Operating Grant Trust Fund to provide the 10% city match and reduce the Budget Stabilization Reserve by \$4,017.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**2.O**      [20-883](#)

Action on Resolution Approving the Purchase and Sale Agreements for Electric Utility Easements on the South Loop Reconfigure Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

**Recommendation:**

1. Adopt the Resolution approving the purchases of overhead electric easements at 2325 Lafayette Street [APN 224-40-009], 1015 Martin Avenue [APN 224-60-006], and 2301 Lafayette Street [APN 224-40-007]; and
2. Authorize the recordation thereof.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to adopt Resolution No. 20-8891, approving the purchase and sale agreements for Electric Utility Easements on the South Loop Reconfigure Project.**

**2.P**      [20-887](#)

Approval to Negotiate Expansion of Recycled Water and Potable Reuse through a Proposed Purified Water Project at the Regional Wastewater Facility (RWF) [Council Pillar: Promote Sustainability and Environmental Protection]

**Recommendation:** Authorize the City Manager, or her designee, to negotiate with the City of San José and Valley Water regarding expansion of recycled water and potable reuse through a proposed Purified Water Project at the RWF.

**A motion was made by Councilmember Davis, seconded by Councilmember O'Neill, to approve staff recommendation.**

**PUBLIC PRESENTATIONS**

**Kirk Vartan** expressed gratitude for the City's participation in the Ro Khanna's Congressional Event on Worker Cooperative and requested to simplify the agenda report title by redesigning the listing of Council Pillars.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**2.E**      [20-708](#)

Action on Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help



(Government Code Sections 7522.56 and 21224) [Council Pillar: Manage Strategically Our Workforce Capacity and Resources]

**Recommendation:** Alternative 1: Adopt the attached Resolution for an Exception to the 180 Day Waiting Period To Appoint A Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).

**Councilmember Chahal** pulled this item as the staff report indicated it should not be acted on through the Consent Calendar.

**A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to approve Alternative 1: adopt Resolution No. 20-8892 for an Exception to the 180 Day Waiting Period To Appoint a Retired Annuitant To Serve as Temporary Extra Help (Government Code Sections 7522.56 and 21224).**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**2.G**      [20-755](#)      Action on Stadium Authority Bills and Claims for the Months of May through August 2020 [Board Pillar: Enhance Community Engagement and Transparency]

**Recommendation:** Approve the list of Stadium Authority Bills and Claims for May 2020 through August 2020.

**Boardmember Chahal** pulled this item for further clarification.

**Executive Director Santana** and **Stadium Authority Treasurer Lee** addressed Board questions.

**A motion was made by Boardmember Chahal, seconded by Vice Chair Hardy, to approve the list of Stadium Authority Bills and Claims for May 2020 through August 2020.**

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

**2.L**      [20-873](#)      Action on Amendment No. 3 to the Agreement for the Performance of Services with Wilson, Ihrig & Associates for Noise Monitoring Services at Levi's Stadium [Council Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Recommendation:** Authorize the City Manager to execute Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates to reflect a revised termination date of September 30, 2021, subject to annual appropriations, to continue conducting noise monitoring of Levi's Stadium and the 49ers practice



facility for total cost not to exceed \$249,840 over the life of the agreement.

**Councilmember Chahal** pulled this item for further clarification.

**Director of Community Development Crabtree** and **City Manager Santana** addressed Council questions.

**A motion was made by Councilmember Davis, seconded by Councilmember Watanabe, to (1) authorize the City Manager to execute Amendment No. 3 to the Agreement with Wilson, Ihrig & Associates to reflect a revised termination date of September 30, 2021, subject to annual appropriations, to continue conducting noise monitoring of Levi's Stadium and the Forty Niners practice facility for total cost not to exceed \$249,840 over the life of the agreement, (2) direct staff to return to Council if information if there is a cost to expand the scope of services to include a monthly report showing unacceptable noise levels at Levi's Stadium, and (3) return to Council when complaints and/or excessive noise levels are reached.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**2.N**      [20-940](#)

Action on Amendment to the Software Maintenance Agreement with ABB Enterprise Software Inc. [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

- Recommendation:**
1. Authorize the City Manager to execute an Amendment to the Software Maintenance Agreement with ABB Enterprise Software Inc. for maintenance of the SCADA System and to execute future amendments or agreements, as needed associated with the change in ownership of ABB's Power Grids Business; and
  2. Authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.

**Councilmember Chahal** pulled this item for further clarification.

**Chief Electric Utility Officer Pineda** addressed **Council** questions.

**A motion was made by Councilmember Chahal, seconded by Vice Mayor Hardy, to (1) authorize the City Manager to execute an Amendment to the Software Maintenance Agreement with ABB Enterprise Software Inc. for maintenance of the SCADA System and**

to execute future amendments or agreements, as needed associated with the change in ownership of ABB's Power Grids Business; and (2) authorize the City Manager to add or delete services consistent with the scope of the agreements, and allow future rate adjustments subject to request and justification by contractor or consultant and approval by the City, subject to the appropriation of funds.

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

### **PUBLIC HEARING/GENERAL BUSINESS**

3. [20-984](#) Council Input on Enhanced Community Outreach and Community Benefits Policy and Action to Rescind the City's Early Consideration Policy for General Plan Amendment Applications [Council Pillar: Promote Economic, Housing and Transportation Development]

**Recommendation:** Alternatives 1 and 2:

1. Provide Input on an Enhanced Community Outreach and Community Benefits Policy; and
2. Adopt a Resolution to Repeal Resolution No. 17-8435 and Rescind the Early Consideration Policy for General Plan Amendment Applications, effective January 1, 2021.

**Director of Community Development Crabtree** gave a PowerPoint Presentation.

**Public Speaker(s):** Alex Shoor  
Kirk Vartan

**A motion was made by Councilmember Watanabe, seconded by Councilmember O'Neill, to approve Alternative 2: adopt Resolution No. 20-8893 to Repeal Resolution No. 17-8435 and Rescind the Early Consideration Policy for General Plan Amendment Applications. effective January 1, 2021; and direct staff to explore a community engagement policy and engage community groups like Catalyze SV and other groups to discuss new policies on outreach and community benefits and return with various models for a community benefits program for Council consideration.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

4. [20-927](#) Discussion and Direction on Mayor Gillmor's Request Regarding Worker

Retention and Recall Protections During COVID-19 Pandemic [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

**Recommendation:** Staff has no recommendation and is seeking Council direction and feedback on possible amendments to the Worker Retention Ordinance.

**Assistant City Manager Shikada** gave a PowerPoint Presentation and addressed **Council** questions.

<b>Public Speaker(s):</b> Marlene S. Bueler	Louise Auerhahn
Leah Williamson	Sarah Julian
Sandra Munoz	Rosa Muniz
Alejandra Mirales	Sarah McDermot
Forest	Unite Here Local 19
Graciela Vera	Enrique L. Fernandez
Ruth Silver Taube	Jose Barba
Adriana	Susie
Sheila	Roberto Ramirez

**A motion was made Councilmember Watanabe, seconded by Councilmember Davis, to (1) direct the City Attorney to prepare an Emergency Ordinance for Worker Recall; (2) amend the current Worker Retention Ordinance to include hotel workers, change controlled provisions; (3) enact Emergency Ordinance now; and (4) begin process for public outreach on the Worker Retention Ordinance concurrently.**

**Aye:** 6 - Vice Mayor Hardy, Councilmember O'Neill, Councilmember Davis, Councilmember Watanabe, Councilmember Chahal, and Mayor Gillmor

**Mayor Gillmor** called for a recess at 6:51 PM and reconvened meeting at 7:23 PM.

#### **STADIUM AUTHORITY GENERAL BUSINESS ITEMS**

5. [20-724](#) Report on the Audited Santa Clara Stadium Authority Fiscal Year 2019/20 Annual Financial Statements [Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Recommendation:** Note and file the Santa Clara Stadium Authority Fiscal Year 2019/20 Annual Financial Statements.

**Stadium Authority Treasurer Lee** gave a PowerPoint Presentation.

**A motion was made by Vice Chair Hardy, seconded by Boardmember O'Neill, to note and file the Santa Clara Stadium Authority Fiscal Year 2019/20 Annual Financial Statements.**

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

6. [20-725](#) Action on the Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2020 [Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Recommendation:** Note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2020.

**Stadium Authority Treasurer Lee** gave a PowerPoint Presentation.

**Stadium Authority Treasurer Lee** and **Executive Director Santana** addressed **Board** questions.

**A motion was made by Boardmember Davis, seconded by Boardmember O'Neill, to note and file the Santa Clara Stadium Authority Financial Status Report for the Quarter and Fiscal Year Ending March 31, 2020.**

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

7. [20-466](#) Action on Agreements to Implement a Financial Management System for the Stadium Authority [Council Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Recommendation:**

1. Authorize the Executive Director to negotiate and execute an agreement with Armanino, LLP to provide professional services for the implementation of a financial management system for an initial three-year term with maximum compensation amount not-to-exceed \$198,460, and execute up to two one-year options to extend the term of the agreement for ongoing support and related professional services, subject to annual appropriation of funds;
2. Authorize the Executive Director to execute Purchase Orders with Armanino Solutions, LLC for software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$5,000, and execute one-year renewals as required, subject to annual appropriation of funds;
3. Authorize the Executive Director to negotiate and execute an agreement with SaaSplaza, Inc. for Microsoft Dynamics Great Plains software subscription and web hosting services for an initial twelve-month period with maximum compensation amount not-to-exceed \$43,090, and

- execute one-year renewals as required, subject to annual appropriation of funds;
4. Authorize the Executive Director to execute Purchase Orders with Concur Technologies, Inc. for SAP Concur software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$15,514, and execute one-year renewals as required, subject to annual appropriation of funds; and
  5. Negotiate and execute amendments and/or change orders to the above referenced agreements/Purchase Orders related to system implementation and requirements including additional software licenses and transaction fees, subject to the annual appropriation of funds.

**Stadium Authority Treasurer Lee** gave a PowerPoint Presentation.

**Stadium Authority Treasurer Lee** and **Executive Director Santana** addressed **Board** questions.

**A motion was made by Boardmember Watanabe, seconded by Boardmember Davis, to (1) authorize the Executive Director to negotiate and execute an agreement with Armanino, LLP to provide professional services for the implementation of a financial management system for an initial three-year term with maximum compensation amount not-to-exceed \$198,460, and execute up to two one-year options to extend the term of the agreement for ongoing support and related professional services, subject to annual appropriation of funds; (2) authorize the Executive Director to execute Purchase Orders with Armanino Solutions, LLC for software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$5,000, and execute one-year renewals as required, subject to annual appropriation of funds; (3) authorize the Executive Director to negotiate and execute an agreement with SaaSplaza, Inc. for Microsoft Dynamics Great Plains software subscription and web hosting services for an initial twelve-month period with maximum compensation amount not-to-exceed \$43,090, and execute one-year renewals as required, subject to annual appropriation of funds; (4) authorize the Executive Director to execute Purchase Orders with Concur Technologies, Inc. for SAP Concur software subscription services for an initial twelve-month period with maximum compensation amount not-to-exceed \$15,514, and execute one-year renewals as required, subject to annual appropriation of funds; and (5) Negotiate and execute amendments and/or change orders to the above referenced agreements/Purchase Orders related to system implementation and requirements including additional software**

licenses and transaction fees, subject to the annual appropriation of funds.

**Aye:** 6 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Watanabe, Council/Boardmember Chahal, and Mayor/Chair Gillmor

**8. Review and Possible Action on Request from the Stadium Manager for Authority to Execute Agreement with LCPtracker, Inc. for Compliance Software for Certified Payroll Reporting and Stadium Authority's Concerns with Stadium Manager's Request**

- A. [20-966](#) Request from the Stadium Manager for Authority to Execute Agreement with LCPtracker, Inc. for Compliance Software for Certified Payroll Reporting for Prevailing Wage [Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

**Chair Gillmor** called for presentation from the Stadium Management Company. No representatives from the Stadium Management Company were present.

- B. [20-1001](#) Report from the Stadium Authority on its Concerns Regarding the Stadium Manager's Request to Execute an Agreement with LCPtracker, Inc. [Board Pillar: Ensure Compliance with Measure J and Manage Levi's Stadium]

- Recommendation:**
1. Accept the Stadium Authority's report on its concerns regarding the Stadium Manager's request to execute an Agreement with LCPtracker; and
  3. Deny Stadium Manager's request to execute the LCPtracker agreement because of its failure to correct the following errors:
    - (a) Request for \$25,000 contract for services priced at \$13,180 (authorization for expenditure of 90% above contract value);
    - (b) Mathematical/typographical errors in the agenda report or agreement;
    - (c) Undocumented scope of work;
    - (d) Undefined extension of agreement;
    - (e) Inappropriate removal of provisions requiring compliance with Brown Act, Public Records Act, and other applicable federal or state laws;
    - (f) Undocumented source of funding/failure to request budget from Board; and
    - (g) Misunderstanding of public sector "piggybacking" procurement practice.

**Executive Director Santana** gave a PowerPoint Presentation and addressed **Board** questions.

A motion was made by Vice Chair Hardy, seconded by Boardmember O'Neill, to (1) accept the Stadium Authority's report on its concerns regarding the Stadium Manager's request to execute an Agreement with LCPtracker; and (3) deny Stadium Manager's request to execute the LCPtracker agreement because of its failure to correct the following errors: (a) Request for \$25,000 contract for services priced at \$13,180 (authorization for expenditure of 90% above contract value); (b) Mathematical/typographical errors in the agenda report or agreement; (c) Undocumented scope of work (d) Undefined extension of agreement; (e) Inappropriate removal of provisions requiring compliance with Brown Act, Public Records Act, and other applicable federal or state laws; (f) Undocumented source of funding/failure to request budget from Board; and (g) Misunderstanding of public sector "piggybacking" procurement practice.

**Aye:** 5 - Vice Mayor/Chair Hardy, Council/Boardmember O'Neill, Council/Boardmember Davis, Council/Boardmember Chahal, and Mayor/Chair Gillmor

**Nay:** 1 - Councilmember Watanabe

#### **REPORTS OF MEMBERS AND SPECIAL COMMITTEES**

None.

#### **CITY MANAGER/EXECUTIVE DIRECTOR REPORT**

None.

[20-926](#) Update on City Council and Stadium Authority Staff Referrals [Council Pillar: Enhance Community Engagement and Transparency]

[20-925](#) Tentative Meeting Agenda Calendar (TMAC) [Council Pillar: Enhance Community Engagement and Transparency]

#### **ADJOURNMENT**

The meeting was adjourned at 9:24 PM in memory of **Catherine Marie Pedone** (90-year Santa Clara Resident, former Santa Clara Unified school district employee, and volunteer at Kaiser Permanente Hospital, Santa Clara)

**Joan W. Kurtz** (Former science teacher at Patrick Henry and Buscher Junior High Schools).

A motion was made by Council/Boardmember O'Neill, seconded by Vice Mayor/Vice Chair Hardy, to adjourn the meeting.



**Aye:** 6 - Vice Mayor/Vice Chair Hardy, Council/Boardmember O'Neill,  
Council/Boardmember Davis, Council/Boardmember Watanabe,  
Council/Boardmember Chahal, and Mayor/Chair Gillmor

[20-1031](#) Adjournment of the October 13, 2020 City Council Meeting Post Meeting  
Material

The next regular scheduled meeting is on Tuesday evening, October 27, 2020 in the City Hall Council Chambers.

## MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA)

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."